

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

04-CV-2688

IN THE MATTER OF APPLICATION FOR: Gary S. McCaleb
ADMISSION TO PRACTICE IN THIS COURT: U.S. District Court
Middle District of Pennsylvania

PETITION

I, Gary S. McCaleb, hereby petition the United States District Court for the Middle District of Pennsylvania to admit me to practice before that Court. In support of my petition, I state as follows:

My office address is: Office Telephone:
Alliance Defense Fund (480) 444-0020
15333 N. Pima Road, Suite 165
Scottsdale, Arizona 85260

I was admitted to practice before the Courts listed below on the date shown after the name of each Court, and I am currently a member in good standing of all those Courts.

Supreme Court of Arizona, admitted May 21, 1998;
U.S. District Court, Arizona, admitted November 23, 1998;
U.S. District Court, Colorado, admitted August 3, 1999;
U.S. District Court, Western District of Michigan, admitted February 20, 2004;
U.S. Court of Appeals, 9th Circuit, admitted February 4, 2000; and
U.S. Court of Appeals, 5th Circuit, admitted May 3, 2004.

My attorney Identification number is: Ariz. Bar No. 018848

FOR COURT USE ONLY

____ GENERAL ADMISSION:

BEFORE JUDGE _____ Date: _____

U.S. DISTRICT JUDGE U.S. MAGISTRATE JUDGE

____ SPECIAL ADMISSION:

GRANTED _____ Date: _____

U.S. DISTRICT JUDGE U.S. MAGISTRATE JUDGE

Please Answer the Following Questions:

All occasions, if any, on which I have been convicted of a crime (subsequent to my becoming an attorney), censured, suspended, disciplined or disbarred by any court are set forth as follows:

(State the facts and circumstances connected with each; if none, state "none".)

None.

All occasions, if any, on which I have been held in contempt of court are set forth as follows:

(State the nature and final disposition of contempt; if none, state "none".)

None.

I **do not** have any disciplinary action, contempt or other proceedings involving me pending before any court.

I am seeking:

 X Special Admission (specify by a check which rule) under

Local Rule LR 83.9.3 X

The basis for my admission under Local Rule 83.9.3 is as follows:

To represent Intervention Applicant Foundation for Thought and Ethics in the below case.

NAME THE PARTY YOU REPRESENT:

Foundation for Thought and Ethics (Applicant for Intervention)

If special admission is requested for a particular case, please list case number and caption:

Case #: **4:04-cv-2688**

Caption: *Kitzmiller v. Dover Area School District*

I understand that:

- 1) If seeking admission under Section LR 83.9.1 or LR 83.9.2, I must submit a letter from a superior stating the agency with which I am employed and the duties performed which qualify me for admission under those sections.
- 2) If petitioning for admission, only in a particular case, under Rule LR 83.9.3, I need no sponsor's certificate. Any attorney specially admitted under LR 83.9.3, shall, in each proceeding in which he or she appears, have associate counsel who is generally admitted under Local Rule 83.8 to practice in this court, whose appearance shall also be entered of record and upon whom all pleadings, motions, notices, and other papers may be served in accordance with any statute or applicable rule. The attendance of any such associate counsel upon the hearing of any motion or the taking of any testimony shall be sufficient appearance for the party or parties represented by such associate counsel. Either the specially admitted attorney or associate counsel must be fully prepared to participate in any hearings, arguments, conferences and trials. (See LR 83.12)

If special admission is requested for a particular case, please list the name, address, telephone number and bar identification number of associate counsel to be entered of record in the case:

Leonard G. Brown, III, Esq. PA I.D. 83207
CLYMER & MUSSER, P.C.
Lancaster, PA 17602
(717) 299-7101

- 3) If seeking regular admission under Rule LR 83.8.1, I must have a sponsor who is a member in good standing of the Bar of this Court present to move for my admission and I must submit the sponsor's certificate with my petition.



PETITIONER

Ariz. Bar No. 018848
(Bar Identification Number)

(Date)

5/27/2005

NAME OF PETITIONER: Gary S. McCaleb

SPONSOR'S CERTIFICATE:

I, Leonard G. Brown, III, am a member in good standing of the Bar of the United States District Court for the Middle District of Pennsylvania, having been admitted to practice on Jan (month) 10 (day), 2001 (year). I have known the above petitioner for 1 year. To my knowledge, the petitioner's moral character is as follows:

Impeccable.

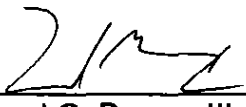
To my knowledge, the petitioner's educational background and experience are as follows:

Gary S. McCaleb is a Senior Litigation Staff Attorney with the Alliance Defense Fund (ADF), a non-profit public interest law firm. In this capacity, Mr. McCaleb practices almost exclusively in the areas of civil rights, particularly free speech and religious liberties rights. He practices primarily in federal court and has either litigated or assisted in litigation in numerous cases in the United States Supreme Court, circuit courts of appeal, and district courts, including oral arguments in bench trials. Mr. McCaleb has also practiced in Arizona and California state courts. He is involved in all aspects of litigation, including research, drafting and filing briefs, discovery, and oral arguments, as well as supervising over 9 attorneys and 4 support staff.

Mr. McCaleb graduated with honors from Regent University (J.D.) in 1997 and has made numerous *pro hac vice* appearances in several other federal district courts.

Mr. McCaleb is a member in good standing with the Arizona and federal bars, and there have been no disciplinary actions of any sort alleged or pending against him in any court or bar within which he has practiced. He has never been held in contempt of court, censured, disbarred, or suspended by any court.

I, Leonard G. Brown, III do hereby sponsor and recommend Gary S. McCaleb for admission as a qualified attorney to practice before this court.



Leonard G. Brown, III, Esq.
CLYMER & MUSSER, P.C.,
23 N. Lime Street
Lancaster, PA, 17602
(717) 299-7101
Atty. Bar I.D. Code No.: PA I.D. 83207

Fri Jun 3 14:02:07 2005

UNITED STATES DISTRICT COURT

SCRANTON , PA

Receipt No. 333 101863
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Check Number: 19197

Transaction Type C

Case No./Def No. 3:05-PB-1 / 1

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Amount \$ 25.00

SP ADM/GARY S MCCLEB/04-CV-2688

ALLIANCE DEFENSE FUND 15333 N. PINA
RD STE 165 SCOTTSDALE, AR 85260

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